

FILED

FEB 28 1995

WILLIAM B. GUTHRIE
Clerk, U.S. District Court

By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

BILLIE A. WILLIS,

Plaintiff,

v.

DONNA E. SHALALA, Secretary
of Health and Human Services,

Defendant.

Case No. CIV-94-63-B

ORDER AFFIRMING AND ADOPTING FINDINGS AND
RECOMMENDATIONS OF MAGISTRATE JUDGE

On December 20, 1994, the United States Magistrate Judge for this district entered Findings and Recommendations in the above-referenced case. The parties have not filed exceptions and/or objections to these Findings and Recommendations within the time prescribed by law and the local rules of this Court. 28 USC § 636(b)(1); Rule 72 Federal Rules of Civil Procedure; Local Rule 32(d).

This Court finds that the recommendation of the Magistrate Judge remanding this case to the Defendant to consider, in his RFC assessment, the uncontroverted impairment dealing with Plaintiff's left shoulder, biceps and tendons which affect his ability to reach is supported by the record.

Upon full consideration of the entire record and issues herein, this Court finds and orders that the Findings and Recommendations of the United States Magistrate Judge is affirmed and adopted by this Court as this Court's Findings and Order, and pursuant to the fourth sentence of 42, U.S.C. § 405(g), this case is remanded to the Defendant for further proceedings consistent

with this Order.

IT IS SO ORDERED this 28 day of February, 1995.



MICHAEL BURRAGE
UNITED STATES DISTRICT JUDGE